

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

October 9, 2006

Craig N. Rasmussen, P.E.
Manager Public Projects
The BNSF Railway Company
80 44th Avenue NE
Minneapolis, MN 55421

T06-0047

Dear Mr. Rasmussen:

This is in response to your letter dated October 2, 2006, with which you requested the Illinois Commerce Commission amend the Order issued in Docket T06-0047, which authorized construction of 5 new bridges to carry Illinois Route 336 over/under The BNSF Railway's (BNSF) track near Macomb, McDonough County. The Order also authorized closure of the TR 261 grade crossing (**AAR/DOT #072 599H, railroad milepost 212.55**).

BNSF needs to file a Supplemental Petition requesting that the original Order issued be amended to address the conditions outlined in your letter.

I trust this information will be helpful. If you have any questions, please contact Henry Humphries, Rail Safety Specialist, at (217) 785-8423 or hhumphri@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

cc: Mike Sazdanoff
Tom Benson, IDOT

HH-DJ



Craig N. Rasmussen, P.E. BNSF Railway Company

Manager
Public Projects

80 - 44th Avenue NE
Minneapolis, MN 55421

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October 2, 2006

Mr. Michael E. Stead
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

RECEIVED

OCT - 6 2006

**Illinois Commerce Commission
RAIL SAFETY SECTION**

**RE: DOT/AAR 072599H, BNSF Milepost 212.55, Line Segment 11 (near Colchester)
ICC ORDER T06-0047**

Dear Mr. Stead:

By ICC Order, the above referenced at-grade crossing is scheduled to be closed with the installation of a new highway overpass at this location. In discussions with BNSF and Illinois DOT field personnel, the construction of this overpass is beginning to create a sight line issue for this passive crossing. This issue is especially prevalent due to higher train speeds, including Amtrak operations.

Jeff Gradone of IDOT indicated this crossing will become redundant after a connection road is graded and this crossing would not be required for access at that time. This would precede the estimated in-service date for the new highway overpass and allow us to improve safety by eliminating this at-grade crossing at that time. In addition, our field personnel have noted that this crossing is now operating as a *de facto* construction crossing for the contractor. With this case, BNSF believes the most appropriate action is to convert this to a private crossing with a permit to operate granted to the contractor. This will allow the crossing to be gated and locked during non-working hours and prevent someone from the general public from possibly getting lost into this construction area. This claim is predicated on the assumption that local vehicular traffic is already using other routes outside this construction area.

BNSF requests the ICC's review of this matter. If agreed by ICC, BNSF requests amending of Order T06-0047 to call for closure of this crossing at such time of the completion of the final grade of the connecting road rather than when the highway overpass is complete. BNSF also asks for ICC review of the feasibility to immediately converting this crossing to a private construction crossing that can be locked during non-working hours as a means to promote safety of the traveling public.

Sincerely,

The BNSF Railway Company

Craig N. Rasmussen, P.E.
Manager Public Projects

cc: Henry Humphries, ICC (e-copy)
File

DOCKETED

OCT 10 2006